

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

PAUL NEWTON,)	
)	
Petitioner,)	
)	
vs.)	
)	No. 1:02-cr-121-LJM-KPF-1
UNITED STATES OF AMERICA,)	No. 1:14-cv-01063-LJM-DML
)	
Respondent.)	

**Entry Dismissing Motion for Relief Pursuant to
28 U.S.C. § 2255 and Denying Certificate of Appealability**

I. The ' 2255 Motion

The motion for relief from judgment filed by Paul Newton is dismissed for lack of jurisdiction pursuant to 28 U.S.C. § 2244(a).

Newton previously filed an action for relief pursuant to 28 U.S.C. ' 2255, which reached adjudication on the merits in No. 1:03-cv1450-LJM-VSS through final judgment entered on the clerk-s docket on March 3, 2004.

Newton has not claimed, and there is no indication, that he has obtained leave from the Court of Appeals to file a second or successive such petition. When there has already been a decision on the merits in a federal habeas action, to obtain another round of federal collateral review a petitioner requires permission from the Court of Appeals under 28 U.S.C. ' 2244(b). *See Potts v. United States*, 210 F.3d 770 (7th Cir. 2000).

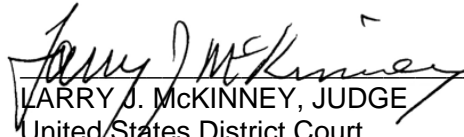
Judgment consistent with this Entry shall now issue.

II. Certificate of Appealability

Pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing ' 2254 proceedings, and 28 U.S.C. ' 2253(c), the court finds that Newton has failed to show that reasonable jurists would find it Adebatable whether [this court] was correct in its procedural ruling.@ *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The court therefore denies a certificate of appealability.

IT IS SO ORDERED.

Date: 08/01/2014


LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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